

GENERAL COURT

Judgment of the General Court of 27 February 2018 — Gramberg v EUIPO — Mahdavi Sabet (Case for a mobile phone)

(Case T-166/15) ⁽¹⁾

(Community design — Invalidation proceedings — Registered Community design representing a case for a mobile phone — Disclosure of the design — Article 7(1) of Regulation (EC) No 6/2002 — Evidence submitted for the first time before the General Court)

(2018/C 134/24)

Language of the case: German

Parties

Applicant: Claus Gramberg (Essen, Germany) (represented: initially by S. Kettler, and subsequently by F. Klopmeier and G. Becker, lawyers)

Defendant: European Union Intellectual Property Office (represented by: S. Hanne, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Sorouch Mahdavi Sabet (Paris, France)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 13 January 2015 (Case R 460/2013-3), relating to invalidity proceedings between Mr Gramberg and Mr Mahdavi Sabet.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 13 January 2015 (Case R 460/2013-3);
2. Dismisses the action as to the remainder;
3. Orders EUIPO to bear its own costs and to pay those incurred by Mr Claus Gramberg, including the expenses necessarily incurred for the purposes of the proceedings before the Board of Appeal of EUIPO.

⁽¹⁾ OJ C 198, 15.6.2015.